

Application No. 10/718,325
Amendment dated September 16, 2004
Reply to Office Action of June 17, 2004

REMARKS

Claims 1-16 remain pending in the Application. Claims 1-7 stand rejected, and claims 8 and 9 were objected to. Claims 10-16 were apparently overlooked in the Office Action, as discussed below. Claims 1, 5, 8 and 9 were amended, and claim 16 was cancelled herein. Applicants respectfully submit that the remaining claims 1-15 are in condition for allowance and respectfully request reconsideration of the rejections.

Claims not acted upon in the Office Action

As a preliminary matter, Applicants note that claims 10-16 were apparently overlooked and not acted upon in the Office Action. Claims 10-16 were added by a preliminary amendment that was filed with the Application on November 20, 2003. Accordingly, Applicants respectfully request consideration of these claims by the Patent Office.

Claims Rejected under 35 U.S.C. §103

Claims 1-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over German Patent Application DE 198 19 564 (Dietrich) in view of PCT Application WO 98/14715 (Shirai). Claim 1 is the only independent claim of this rejected group, and it has been amended to recite that "greater self-boosting is provided by a second segment (20) which follows the first segment (18), the wedge angle α on the second segment being smaller than on the first segment." Applicants submit that amended claim 1 overcomes

Application No. 10/718,325
Amendment dated September 16, 2004
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this rejection. Specifically, Dietrich does not teach or suggest each and every element of claim 1, and Shirai does not cure this deficiency.

More specifically, Dietrich does not teach a constant wedge angle on a first segment of a wedge surface and a second segment following the first segment having a wedge angle that is smaller than that of the first segment (see Office Action mailed June 17, 2004 at page 3 where the Patent Office concedes this deficiency). Moreover, Shirai does not teach or suggest increasing self-boosting of a brake by a wedge angle on a second segment that is smaller than the wedge angle on the first segment, as recited in amended claim 1. Rather, Shirai teaches reducing the wedge angle on the second segment to prevent the self-boosting effect from being excessively large. The Patent Office also acknowledges this teaching of Shirai, as noted in the Office Action, which runs counter to the teachings and results of the claimed invention. For at least this reason, one of ordinary skill in the art would not combine Dietrich and Shirai in the manner suggested. The Office Action fails to establish a prima facie case of obviousness, and therefore, the rejection is improper. Applicants respectfully request that the Patent Office withdraw the rejection of claim 1 based on Dietrich and Shirai.

Claims 2-7 each depend upon amended claim 1 and are therefore in condition for allowance for at least the reasons stated above for claim 1. Claim 5 was amended to correct an obvious typographical error. Additionally, each of these claims recites one or more additional features in combination with the features of claim 1. For substantially the same reasons set forth above, and because the cited references fail to teach the

Application No. 10/718,325
Amendment dated September 16, 2004
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combination of features recited in each of these claims, Applicants respectfully request that the Patent Office also withdraw the rejections of claims 2-7.

Allowable Subject Matter

Claims 8 and 9 were objected to for depending upon rejected base claims, but were indicated to be allowable if rewritten in independent form. Claims 8 and 9 have been rewritten in independent form by this Amendment. Accordingly, Applicants respectfully request that the objections to claims 8 and 9 be withdrawn.

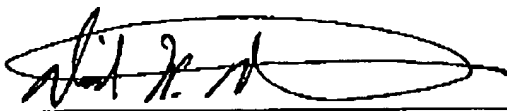
In view of the amendments to the claims and these remarks, Applicants respectfully assert that these claims are in condition for allowance. Accordingly, Applicants respectfully request allowance of all pending claims. If the Examiner believes any language of the claims requires further discussion, the undersigned attorney respectfully requests this to be conducted by telephone, at the number below, to promptly resolve any such matter.

Applicants assert that this Amendment does not require any additional fee. Nevertheless, if the Examiner disagrees or believes that such fee is necessary, any charges or credits should be applied to said Deposit Account No. 23-3000.

Application No. 10/718,325
Amendment dated September 16, 2004
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Respectfully submitted,

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